

Rev. 05/27/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Benjamin P. Warner

Docket No.: S-94,661

Serial No.: 09/859,701

Examiner:

Filed : 5/16/2001

Art Unit:

For : METHOD FOR DETECTING BINDING  
EVENTS USING MICRO-X-RAY FLUORESCENCE SPECTROMETRY

RECEIVED

Mail Stop Sequence  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

MAR 10 2004

SUBMISSION OF SUBSTITUTE "SEQUENCE LISTING," COMPUTER READABLE  
COPY, AND/OR AMENDMENT PERTAINING THERETO  
FOR BIOTECHNOLOGY INVENTION CONTAINING NUCLEOTIDE  
AND/OR AMINO ACID SEQUENCE

(check and complete this item, if applicable)

1. ☒ This replies to the Office Letter dated 12/30/2003.

☒ A copy of the Office Letter is enclosed.

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

☒ deposited with the United States Postal Service  
with sufficient postage as first class mail in an  
envelope addressed to:  
Commissioner for Patents, P. O. Box 1450,  
Alexandria, VA 22313-1450.

FACSIMILE

☐ transmitted by facsimile to the  
United States Patent and Trademark Office.

Date: February 17, 2004

Samuel L. Borkowsky  
Signature

Samuel L. Borkowsky  
(type or print name of person certifying)

02/26/2004 HLE333 00000085 122150 09859701

01 FC:2251 55.00 DA

## IDENTIFICATION OF PERSON MAKING STATEMENT

2. I, Samuel L. Borkowsky  
(type or print name of declarant signing below)  
state the following:

### ITEMS BEING SUBMITTED

3. Submitted herewith is/are:

(check each item as applicable)

- A. ☒ "Sequence Listing(s)" for the nucleotide and/or amino acid sequence(s) in this application. Each "Sequence Listing" is assigned a separate identifier as required in 37 C.F.R. § 1.821(c) and 37 C.F.R. §§ 1.822 and 1.823.
- B. ☒ An amendment to the description and/or claims, wherein reference is made to the sequence by use of the assigned identifier, as required in 37 C.F.R. § 1.821(d).
- C. ☒ An amendment requesting entry of the Sequence Listing into the specification.
- D. ☒ A copy of each "Sequence Listing" submitted for this application in computer readable form, in accordance with the requirements of 37 C.F.R. §§ 1.821(e) and 1.824.
- E. ☐ Please transfer to this application, in accordance with 37 C.F.R. § 1.821(e), the computer readable copy(ies) from applicant's other application identified as follows:

In reapplication of:

Application No.: 0 /  
Filed:  
For:

Group No.:  
Examiner:

The Computer readable form(s) of applicant's other application corresponds to the "Sequence Identifier(s)" of the application as follows:

Computer Readable Form  
(other application)

"Sequence Identifier"  
(this application)

- E. ☒ A statement that the content of each "Sequence Listing" submitted and each computer readable copy are the same, as required in 37 C.F.R. § 1.821 (g).  
☐ Because the statement is not made by a person registered to practice before the Office, the statement is verified as required in 37 C.F.R. § 1.821(b).
- F. ☒ Because this submission is made in fulfilling the requirement under 37 C.F.R. § 1.821 (g), a statement that the submission includes no new matter.  
☐ Because the statement is not made by a person registered to practice before the Office, the statement is verified, as required in 37 C.F.R. § 1.821(g).

**STATEMENT THAT "SEQUENCE LISTING"  
AND COMPUTER READABLE COPY ARE THE SAME  
AND/OR THAT PAPERS SUBMITTED INCLUDES NO NEW MATTER**

4. I hereby state:

(complete applicable item A and/or B)

- A. ☒ Each computer readable form submitted in this application, including those forms requested to be transferred from applicant's other application, is the same as the "Sequence Listing" to which it is indicated to relate.
- B. ☒ All papers accompanying this submission, or for which a request for transfer from applicants' other application, introduce no new matter.

**STATUS**

5. Applicant

☒ claims small entity status

**EXTENSION OF TIME**

6. The proceedings herein are for a patent application and the provisions of 37C.F.R. § 1.136 apply.

- (a) ☒ Applicant petitions for an extension of time under 37 C.F.R. § 1.136 (fees: 37 C.F.R. § 1.17(a)(1)-(4)) for the total number of months checked below:

<u>Extension (months)</u>	<u>Fee for other than small entity</u>	<u>Fee for small entity</u>
<input checked="" type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 410.00	\$205.00
<input type="checkbox"/> three months	\$ 930.00	\$465.00
<input type="checkbox"/> four months	\$1,450.00	\$725.00

Fee: \$ 55.00

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for \_\_\_\_\_ months has already been secured. The fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$\_\_\_\_\_

**or**

- (b) ☐ Applicant believes that- no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

**FEE PAYMENT**

7. ☐ Attached is a check in the sum of \_\_\_\_\_

- ☒ Charge Account No. 12-2150 the sum of \$55.00.  
A duplicate of this transmittal is attached.

**FEE DEFICIENCY**

8. ☒ If any additional extension and/or fee is required, charge

Account No. 12-2150

**SIGNATURE(s)**

Respectfully submitted,

Date: February 17, 2004

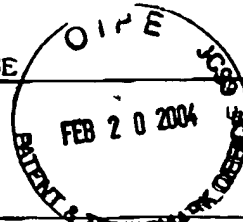
Samuel L. Borkowsky  
Signature of Agent

Reg. No.: 42,346  
Phone: (505) 665-3111

Samuel L. Borkowsky  
Los Alamos National Laboratory  
LC/IP, MS A187  
Los Alamos, New Mexico 87545



## UNITED STATES PATENT AND TRADEMARK OFFICE



COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20231  
www.uspto.gov

APPLICATION NO. / CONTROL NO. <b>09/859,701</b>	FILING DATE <b>5-16-01</b>	FIRST NAMED INVENTOR / PATENT REEXAMINATION <b>Benjamin P. Warner</b>	ATTORNEY DOCKET NO. <b>594,661</b>
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EXAMINER

**Deborah A. Davis**

ART UNIT

PAPER

**1641****9**

DATE MAILED: 12-30-03

**RECEIVED****MAR 10 2004**

94,661  
4B

Please find below and/or attached an Office communication concerning this application or proceeding.

## Commissioner of Patents

The communication filed March 27, 2003 is not fully responsive to the Office communication mailed February 20, 2003 for the reason(s) set forth on the attached Notice To Comply With The Sequence Rules or CRF Diskette Problem Report. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

Since the reply appears to be bona fide attempt to comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825), applicant is given a TIME PERIOD of ONE (1) MONTH from the mailing date of this communication within which to correct the deficiency so as to comply with the sequence rules (37 CFR 1.821 - 1.825) in order to avoid abandonment of the application under 37 CFR 1.821(g). EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication should be directed to Examiner Counts, Art Unit 1641, whose telephone number is (703) 305-1444.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le can be reached on (703) 305-3399.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0196.

RECEIVED

<b>Notice to Comply</b>	Application No. 09/859,701	MAR 10 2004	Applicant(s) Benjamin P. Warner
	Examiner Deborah A. Davis	Art Unit 1641	Paper No 9

# NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☒ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: \_

## Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216 or (703) 308-2923

For CRF Submission Help, call (703) 308-4212

Patent Software Program Support

Technical Assistance.....703-287-0200

To Purchase Patent Software.....703-306-2600

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY**